

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Wage and Hour
Violations of Petersen Home Care
Services, Inc.

SECOND PREHEARING ORDER

On August 26, 2005, Administrative Law Judge Steve M. Mihalchick conducted a second prehearing conference in the above-entitled matter at the Office of Administrative Hearings.

Dayle Nolan and Chris Harristhal, Attorneys at Law, Larkin, Hoffman, Daly & Lindgren, Ltd., 7900 Xerxes Ave. S., Minneapolis, MN 55431-1194, appeared on behalf of Petersen Home Care Services, Inc. (Petersen). Omar Syed and Julie Leppink, Assistant Attorneys General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131, appeared on behalf of the Department of Labor and Industry (the Department).

Based upon the discussions at the prehearing conference, the Administrative Law Judge made the following:

ORDER

1. By August 29, 2005, the Department shall provide to opposing counsel its responses to discovery. These responses shall specifically identify by Bate stamp number(s) the documents that are responsive to each interrogatory or document request.

2. By September 2, 2005, the Department shall serve upon opposing counsel and the ALJ a brief addressing its position that Minnesota Statutes §§ 175.27 and 595.02 prohibit it from disclosing the names and current address of the witnesses it intends to call absent consent. The brief shall also address how the Department's position is consistent with Minnesota Statute § 13.03, subd. 6, which governs the discoverability of not public data under the Data Practices Act. Counsel for Peterson shall serve a reply brief by September 9, 2005. Thereafter, the ALJ will rule on whether and to what extent the Department must supplement its responses to discovery regarding identifying the witnesses it intends to call at the hearing.

3. By September 2, 2005, the Department shall provide to opposing counsel typewritten versions of the 38 questionnaire responses and attachments with all identifying information redacted.

4. Peterson shall have a one week extension of its due date to respond to the Department's discovery requests.

5. The hearing in this matter scheduled for September 14, 2005, is cancelled and shall be rescheduled for a date to be determined.

Dated this 29th day of August, 2005

/s/ Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge